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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA, ) No. 08-00488 JW  
15 Plaintiff, ) STIPULATION AND [PROPOSED]  
16 v. ) ORDER EXCLUDING TIME FROM JULY  
17 MARTIN TORRES-MARTINEZ, ) 23, 2008 TO SEPTEMBER 9, 2008 FROM  
18 Defendant. ) THE SPEEDY TRIAL ACT  
19 \_\_\_\_\_ ) CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

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21 The parties stipulate that the time between July 23, 2008 and September 9, 2008 is excluded  
22 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the  
25 ends of justice served by granting the requested continuance outweigh the best interest of the  
26 public, and the defendant in a speedy trial and in the prompt disposition of criminal

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1 cases. 18 U.S.C. §3161(h)(8)(A).

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3 DATED: September 3, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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/s/  
CHAD M. MANDELL  
Special Assistant United States Attorney

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/s/  
MANUEL ARAUJO  
Assistant Federal Public Defender

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## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between July 23, 2008 and September 9, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

**HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE**